



Ontario: Annual Statutes

1993

c Pr25 Richmond Hill (Town of) Act, 1993

Ontario

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Bibliographic Citation

Richmond Hill (Town of) Act, 1993, SO 1993, c Pr25

Repository Citation

Ontario (1993) "c Pr25 Richmond Hill (Town of) Act, 1993," *Ontario: Annual Statutes*: Vol. 1993, Article 70.

Available at: http://digitalcommons.osgoode.yorku.ca/ontario_statutes/vol1993/iss1/70

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CHAPTER Pr25

An Act respecting the Town of Richmond Hill

Assented to June 30, 1993

Preamble

The Corporation of the Town of Richmond Hill has applied for special legislation to regulate lighting within the municipality in order to provide an appropriate environment for the use of the David Dunlap Observatory.

It is appropriate to grant the application.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-laws

1.—(1) The council of the Corporation may pass by-laws for prohibiting or regulating outdoor light fixtures that illuminate buildings, structures, recreational and athletic facilities, parking lots, vacant lots, landscaped areas, highways and the sky.

Same

(2) A by-law passed under this section may,

- (a) prescribe the types of permitted outdoor light fixtures, by reference to manufacturer's specifications, generic names or illumination levels;
- (b) prescribe the maximum permitted number of outdoor light fixtures;
- (c) prescribe the location, including the mounting height, of outdoor light fixtures;
- (d) require that outdoor light fixtures be shielded, and prescribe the type and extent of shielding required;
- (e) require that outdoor light fixtures be equipped with automatic timing devices;
- (f) require that a plan of outdoor light fixtures be produced and filed in conjunction with an application for site plan approval under section 41 of the *Planning Act* or an application for a building permit under section 6 of the *Building Code Act*, and prescribe the information required in the plan;
- (g) provide that a site plan approval or building permit be refused if the required plan for outdoor light fixtures is not filed or does not comply with a by-law passed under this section;

- (h) establish classes of buildings, structures, facilities or land and exempt any class or classes from all or part of a by-law passed under this section;
- (i) establish classes of outdoor light fixtures and exempt any class or classes from all or part of a by-law passed under this section;
- (j) prescribe different standards for outdoor light fixtures for different areas of the municipality, depending on the proximity of the area to the David Dunlap Observatory; and
- (k) appoint inspectors for the purpose of this Act.

(3) Subsection 41 (12) of the *Planning Act* applies with necessary modifications to plan of outdoor light fixtures filed in conjunction with an application for site plan approval and in accordance with a by-law passed under clause (2) (f).

Appeal to
O.M.B. re
site plan
approval

(4) A by-law passed under this section may require that outdoor light fixtures used in conjunction with commercial, industrial, institutional or recreational or athletic uses be turned off between 11 p.m. and sunrise, unless,

By-law may
require lights
off

- (a) the commercial, industrial or institutional uses continue after 11 p.m.;
- (b) the recreational or athletic uses continue after 11 p.m.; or
- (c) the outdoor light fixtures are used to illuminate any area for security purposes.

(5) A by-law passed under clause (2) (h) or (i) may provide that outdoor light fixtures on any premises cease to be exempt if,

Exemption
ceases

- (a) more than a specified percentage of the outdoor light fixtures on the premises are replaced; or
- (b) the total number of outdoor light fixtures on the premises is increased by a specified percentage.

<i>Building Code Act</i> , s. 6	(6) A by-law passed under clause (2) (f) or (g) is applicable law for the purpose of clause 6 (1) (a) of the <i>Building Code Act</i> .	(3) An inspector conducting an inspection shall produce identification upon request.	Identification
Limitation	(7) A by-law passed under this section shall only apply to outdoor light fixtures used in conjunction with commercial uses, industrial uses, institutional uses, recreational or athletic uses or residential uses of five dwelling units or more in a single building.	7.—(1) An inspector conducting an inspection may inspect the land, building or structure and may question a person on matters relevant to the inspection.	Powers on inspection
Same	(8) A by-law passed under this section, except as described in subsection (4) or (5), shall not apply to outdoor light fixtures for which a building permit or site plan approval was issued or granted before the by-law comes into force or that were lawfully used immediately before the by-law comes into force, but the by-law shall apply to such light fixtures if they are altered after the by-law comes into force or if the manner or extent of their use is not the same as was permitted or approved.	(2) No person shall hinder or obstruct an inspector lawfully conducting an inspection under this Act.	Obstruction
Compliance alternatives	2. The chief building official may accept, in writing, an alternative to compliance with a requirement in a by-law passed under clause 1 (2) (a) or (d) if he or she is satisfied that compliance with the by-law is impracticable and that the general intent and purpose of the by-law are maintained.	(3) Any person who contravenes subsection (2) is guilty of an offence.	Offence
Exemption	3. The council of the Corporation may, upon the application of any person, authorize an exemption or minor variance from all or part of a by-law passed under section 1 if, in the opinion of the council, compliance with the by-law is impracticable and the general intent and purpose of the by-law are maintained.	8.—(1) A justice of the peace may at any time issue a warrant authorizing an inspector named in the warrant to enter and search any land, building or structure if the justice of the peace is satisfied by information on oath that there is reasonable ground to believe that,	Warrant for entry and search
By-law re illuminated outdoor signs	4. The council of the Corporation may, in a by-law passed under paragraph 146 of section 210 of the <i>Municipal Act</i> , require that illuminated outdoor signs be equipped with automatic timing devices and when used in conjunction with outdoor light fixtures governed by a by-law passed under subsection 1 (4), that they be turned off between 11 p.m. and sunrise.	(a) an offence under this Act has been committed; and (b) the entry into and search of the land, building or structure will afford evidence relevant to the commission of the offence.	
Inspectors	5. The council of the Corporation may appoint inspectors for the enforcement of a by-law passed under this Act.	(2) In a warrant, the justice of the peace may authorize the person named in the warrant to seize any thing that there is reasonable ground to believe will afford evidence relevant to the commission of the offence.	Seizure
Entry	6.—(1) For the purpose of determining whether there is compliance with a by-law passed under this Act, an inspector may, between the hours of 6 a.m. and 9 p.m., have access to or enter any land, building or structure governed by the by-law and may conduct an inspection.	(3) Anyone who seizes something under a warrant shall,	Same
Dwellings	(2) No inspector may enter a building or structure that is also a dwelling without the consent of the occupant or without first obtaining and producing a warrant.	(a) give a receipt for the thing seized to the person from whom it was seized; and (b) bring the thing seized before the justice of the peace issuing the warrant or another justice to be dealt with according to law.	
		9. Sections 159 and 160 of the <i>Provincial Offences Act</i> apply with necessary modifications in respect of any thing seized under section 8.	Application of <i>Provincial Offences Act</i>
		10. A warrant issued under this Act may be executed only between 6 a.m. and 9 p.m. unless it provides otherwise.	Time for execution
		11. A warrant issued under this Act shall state the date upon which it expires, which shall be a date not later than fifteen days after the warrant is issued.	Date of expiry
		12. This Act comes into force on the day it receives Royal Assent.	Commencement
		13. The short title of this Act is the <i>Town of Richmond Hill Act, 1993</i> .	Short title